

ORDINANCE  
NUMBER 2013 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO AMEND SECTION 3-9-50.6 (A) OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY AMENDING THE MANDATORY DESIGN REQUIREMENTS USED WITHIN THE CHARLOTTE HARBOR COMMUNITY OVERLAY DISTRICT; AND PROVIDING FOR INTENT, APPLICABILITY, AND SEVERABILITY.

RECITALS

WHEREAS, the Zoning Code of Charlotte County, Florida (the “**County**”) is set forth in Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County, Florida, (the “**Zoning Code**”); and

WHEREAS, pursuant to Ordinance No. 96-011 dated February 20, 1996, the Charlotte County Board of County Commissioners (the “**Board**”) created Section 3-9-50 of the Zoning Code which sets forth the Charlotte Harbor Community Code (“**CHCC**”); and

WHEREAS, the CHCC governs land development within the Charlotte Harbor Community Redevelopment Area (the “**CHCRA**”); and

WHEREAS, Section 3-9-50.3 (a) and Section 3-9-50.6 (a) of the Zoning Code provide for the establishment of the Charlotte Harbor Architectural Design Guidelines by the Board; and

WHEREAS, Section 3-9-50.6 (a) provides that the guidelines shall become an attachment to the Zoning Code as Addendum 1 and shall be applicable throughout the CHCRA as provided in Section 3-9-50.3 (a); and

WHEREAS, Section 3-9-50.6 (a) of the Zoning Code authorizes the Board to

amend the Charlotte Harbor Architectural Design Guidelines from time to time; and

WHEREAS, Section 3-9-50.6 (a) of the Zoning Code initially provided that the guidelines "...are not intended to be mandatory and are intended to be used in an advisory capacity only;" and

WHEREAS, the Board enacted non-mandatory or advisory architectural design guidelines for the CHCRA (the "**Original Guidelines**") pursuant to Resolution No. 96-026 dated February 20, 1996; and

WHEREAS, the Board subsequently enacted Ordinance No. 96-052 on July 17, 1998, which amended Section 3-9-50.6 (a) of the Zoning Code to eliminate references to the Original Guidelines as non-mandatory or advisory in nature; and

WHEREAS, the Board amended Resolution No. 96-026 to delete the Original Guidelines and to replace them with mandatory design criteria and requirements that are consistent with the aforementioned amendment to Section 3-9-50.6 (a) of the Zoning Code; and

WHEREAS, the Board adopted Resolution No. 2002-119 that provided for mandatory architectural design standards in the CHCC; and

WHEREAS, the Board deems an amendment to the aforementioned Resolution No. 2002-119 to be in the best interests of Charlotte County and the CRA.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte County Board of County Commissioners that Section 3-9-50.6 is hereby amended as set forth in this ordinance.

- 1 **Section 3-9-50.6.** - Charlotte Harbor ~~Community architectural design requirements~~
- 2 Community Redevelopment Area Design Requirements ("CHCRA Design

Requirements"). Pursuant to Section 3-9-50.6 of the Zoning Code, the CRA Design Requirements shall become an attachment to the Zoning Code as Addendum 1 and shall be applicable throughout the CRA as provided in Section 3-9-50.3.

(a) The Charlotte Harbor Community architectural design requirements (the "design requirements") CHCRA Design Requirements are hereby provided for and shall regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the Charlotte Harbor CRA. The design requirements ~~shall be established by resolution of the board of county commissioners and~~ may be amended by ~~resolution of the~~ bBoard of County Commissioners (Board) at such times as the bBoard deems necessary. ~~The design requirements are attached to the zoning code as addendum 1 and shall apply throughout the Charlotte Harbor CRA.~~

(b) This section shall not be interpreted to restrict, regulate, or limit the use of the design requirements outside of the Charlotte Harbor CRA.

**(a) Purpose.** The purpose of the CHCRA Design Requirements is to regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the CRA.

**(b) Intent.** The intent of the CHCRA Design Requirements is to enhance and maintain the character of the CHCRA by establishing design requirements that serve two primary functions. The first is to enhance the integrity of existing structures. The second is to create a community whose character is consistent with the "old Florida" vernacular style of architecture. The latter development is anticipated over time, particularly as the CHCRA Design Requirements are applied to new construction.

**(c) Old Florida Vernacular.** The "old Florida" vernacular style is adopted as the architectural pattern for the CHCRA.

**(d) Classes of CHCRA Design Requirements.** The CHCRA Design Requirements consist of General Requirements and Specifications, Period Requirements, and Design Requirements.

**(e) Classes of Construction.** There are four classes of construction projects in the CHCRA. Each class of construction must comply with all of the General Requirements and Specifications and the Design Requirements that are applicable to that class of construction. Only Class I and II Projects must comply with the Period Requirements. The four classes of construction are:

**Class I Projects**

Class I Projects consist of the building of a new structure, or modification

or addition to an existing structure such that the existing structure must be elevated to meet base flood elevation requirements pursuant to the Floodplain Management provisions of the County Code. Class I Projects are intended over time to create a community whose character is consistent with the Period style of architecture.

#### **Class II Projects**

Class II Projects are rehabilitation of commercial structures. Class II Projects consist of any repair, rehabilitation or remodeling of an existing commercial structure valued at fifty percent (50%) or more of the value of the existing structure over a five (5) year period regardless of whether such repair, rehabilitation or remodeling requires elevation of the existing structure to regulatory base flood levels pursuant to the Floodplain Management provisions of the County Code.

#### **Class III Projects**

Class III Projects are residential rehabilitation not requiring the elevation of existing structures to regulatory base flood levels. Class III Projects also include commercial rehabilitation, reconstruction, remodeling, or additions valued at forty-nine percent (49%) or less of the value of the existing structure over a five (5) year period.

#### **Class IV Projects**

Class IV Projects consist of decks, patios; permanent swimming pools; fences, walls, gazebos, sheds and other outbuildings, vending booths, carts, and other miscellaneous displays.

**(f) Materials.** Wherever the General Requirements and Specifications, Period Requirements, or Design Requirements reference the use of Period materials, nothing shall preclude the use of modern materials that are the visual equivalent of Period materials and which are equal or superior to Period materials in regard to strength and durability.

#### **(g) General Requirements and Specifications.**

**(1) Applicability.** The General Requirements and Specifications apply to all development in the CHCRA. Development includes, but is not limited to, Class I Projects, Class II Projects, Class III Projects and Class IV Projects.

**(2) Generally.** Due to the broadness of the General Requirements and

Specifications, each General Requirement and Specification will not pertain to every type of development activity in the CHCRA. The determination as to whether a General Requirement and Specification affects a particular development activity will be made by the Zoning Official and/or a designee.

**(3) Building Orientation.** Building entrance shall be oriented to the primary street with the main entrance visible from the primary street. Buildings located on corner parcels are encouraged to frame the building to relate to the street and provide the best use of the location.

**(4) Exteriors.** Wood is the most commonly used material for architectural features such as clapboards, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features are important in defining the character of a structure. The retention, protection and repair of all wood features shall be required in all rehabilitation projects.

(i) Exterior Siding Options

1. Weatherboard, clapboard or lapped siding.
2. Wood, vertical board-and-batten siding with 1" x 2" or 1" x 3" battens.
3. Wood, horizontal novelty or drop siding.

(ii) A combination of exterior siding materials is prohibited unless Period evidence indicates otherwise or additions were clad differently than the original structure.

(iii) The introduction of a new wood feature that is incompatible in size, scale, material, and color is prohibited.

(iv) Exterior siding shall be painted.

**(5) Balustrades.** Wooden balustrades are significant in defining the Period character of frame structures.

(i) Wooden balustrades shall be retained and preserved.

(ii) When replacement is necessary, balustrades shall be replaced with materials that are compatible with the structure.

(iii) New balusters shall match the original balusters in size and

height above the porch floor.

**(6) Masonry.** Masonry features (such as brick cornices and door pediments, stone window architraves, terra cotta brackets and railings) as well as masonry surfaces (molding, bonding patterns, joint size and color) are important in defining the Period character of a building. It should be noted that while masonry is among the most durable of building materials, it is also the most susceptible to damage by improper maintenance or repair techniques and by harsh and abrasive cleaning methods.

(i) Masonry features that are important in defining the overall Period character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns shall be identified, retained, and preserved.

(ii) Masonry features shall be repaired using recognized preservation methods. Where masonry features are too deteriorated to repair, they shall be replaced in kind using physical evidence to guide the work.

**(7) Roofing (Materials).**

(i) The replacement or substitution of Period roofing materials on Period structures with roof treatments that are inconsistent with the Period (e.g. Spanish tile) is prohibited.

(ii) Masonry joints must be repointed and deteriorated mortar must be removed by hand.

**(8) Roofs (Shape).** The roof with its shape, features such as dormers, widow's walks, and chimneys, and the size, color, and patterns of the roofing material are extremely important in defining the building's overall character.

(i) A roof's shape and features such as dormers, widow's walks, chimneys, scuttles, or roof porches shall be retained and preserved. The form and configuration of a roof must not be altered in pitch, design or shape unless such change will enhance the character and period design of a structure.

(ii) Changing the configuration of a roof such that the Period character is diminished is prohibited.

1                   **(9) Gutters.** Gutter style is reflective of the property's history in terms  
2 of appearance and technology.

3  
4                   (ii) Only the half-rounded style of gutter shall be installed on  
5 structures erected prior to 1900.

6  
7                   (ii) Only half-round or "ogee" style shall be installed on  
8 structures erected after 1900.

9  
10                   **(10) Dormers.**

11  
12                   (i) A dormer addition shall be in scale and harmony with the  
13 existing building, shall have a roof consistent with that of the existing structure, and shall  
14 have windows of the same design as the existing structure.

15  
16                   (ii) The juncture of the dormer roof with the main roof shall be  
17 below the ridgeline of the main roof.

18  
19                   **(11) Widow's Walks.**

20  
21                   (i) A widow's walk addition shall be in scale and harmony with  
22 the existing structure.

23  
24                   (ii) Period evidence of the prior existence of a widow's walk  
25 shall be the best justification for such an addition.

26  
27                   **(12) Secondary Roof Structures, Skylights and Scuttles.**

28  
29                   (i) Whenever possible, original skylights and wood roof scuttles  
30 shall be retained and preserved.

31  
32                   (ii) Flat, scuttles and skylights shall be located on the side that  
33 is least visible from a public street.

34  
35                   **(13) Entrances, Porches, and Doors.**

36  
37                   (i) Entrances and their functional and decorative elements that  
38 are important in defining the Period character of a building, such as doors and door  
39 openings, fanlights, sidelights, pediments, hardware, pilasters, columns, balustrades,  
40 and stairs shall be identified retained and preserved.

(ii) Whenever possible, four- or six-paneled wood doors or horizontal panel doors as featured on late 19<sup>th</sup> and early 20<sup>th</sup> century buildings shall be utilized. Larger buildings may have paired entry doors. Sliding glass doors may be appropriate for side or back entry but not front. French doors may be appropriate throughout the structure.

(iii) The additions of sidelights and entryway surrounds that are not original to the entrance are prohibited.

(iv) A porch on an existing structure, which contributes to the Period character of the structure, shall not be removed. If a porch is to be enclosed, it shall be done in a manner consistent with the style and materials of the existing structure in a manner that preserves the character of the building.

(v) Whenever possible, entrances and porches shall be repaired by reinforcing existing materials. When repair is not possible, limited replacement in kind or with compatible substitute materials shall be allowed.

(vi) An entire entrance or porch that is too deteriorated to repair shall be replaced in kind. If the form and detailing are still evident, the physical evidence shall be used to guide the new work. If using the same kind of materials is not technically or economically feasible, then a compatible substitute material shall be used.

(vii) In constructing a new entrance or porch, the design shall be compatible in size, scale, material, and color with the character of the building.

#### **14) Columns, Posts, and Pillars**

(i) Existing posts or columns that contribute to defining the character of the building shall be retained and preserved.

(ii) When columns must be replaced, they shall be replaced with columns compatible in size, scale and material.

(iii) Columns that have historically defined a building shall not be replaced with posts or pillars that are uncharacteristic of a building's style. For example, simple 4" x 4" wood square posts, not rounded, decorative columns, shall be utilized for a shotgun style house.



1                   **(15) Exterior Stairs.**

2  
3                   (i) Exterior staircases shall be retained, preserved and, when  
4 necessary, replaced with materials that are compatible with both the individual structure  
5 and the CHCRA. Replacement of wood stairs with concrete stairs is prohibited.

6  
7                   (ii) The balusters, newel posts, and rails of an exterior staircase  
8 shall be replaced with the same material, and shall be proportional to the main  
9 structure.

10  
11                   (iii) Period stairways shall be upgraded to meet health and  
12 safety codes in a manner that assures their preservation.

13  
14                   **(16) Ramps.**

15  
16                   (i) Ramps, where required, shall be concealed with landscaping  
17 as much as possible, and shall blend with the scale and architectural features of the  
18 building.

19  
20                   (ii) Construct ramps on less visible elevation using wrap-around  
21 design to achieve needed grade change.

22  
23                   **(17) Windows.**

24  
25                   (i) Windows and their functional features that contribute to defining  
26 the Period character of the building shall be identified, retained and preserved. Such  
27 features include frames, sash, muntins, glazing, sills, paneled or decorated jambs and  
28 moldings, and interior and exterior shutters and blinds.

29  
30                   (ii) When the replacement of windows in a structure is  
31 unavoidable, the replacement windows shall maintain the character of the structure.

32  
33                   (iii) Changing of the number, locations, size, or glazing pattern of  
34 windows by cutting new openings, blocking in windows, and installing replacement sash  
35 that does not fit a window opening is prohibited, except in the case of life/safety  
36 requirements.

37  
38                   (iv) Period windows shall only be replaced with Period windows.  
39 Repair and restoration of Period windows shall maintain the Period character of the  
40 windows.

1  
2 (v) Window glazing shall be clear, transparent, untinted and  
3 non-reflective. Stained glass may not be used on primary facades, except as an accent  
4 to the primary door or window covering no more than 10% of the total area. Original  
5 transoms or sidelights may not be removed or changed.

6  
7 **(18) Shutters.**

8  
9 (i) Existing shutters and their functional and decorative  
10 elements shall be retained, repaired and preserved.

11  
12 (ii) If the overall form and detailing are still evident, a set of  
13 shutters that is too deteriorated to repair shall be replaced in kind using the physical  
14 evidence to guide the work. If using the same kind of material is not technically or  
15 economically feasible, a compatible substitute material shall be utilized.

16  
17 (iii) Hurricane shutters or panels shall be architecturally  
18 compatible with the building. When traditional shutters are not feasible or are  
19 inappropriate, removable storm panels shall be utilized (panels are stored except during  
20 a storm). Tracks for removable panels shall be painted to match the wall. Roll-down  
21 shutters shall be utilized on commercial buildings so as to allow concealment of the  
22 overhead casing. Accordion shutters shall be utilized on existing commercial buildings  
23 only if the stacked shutter is not conspicuous within the opening.

24  
25 **(19) Awnings.** Historically, the canvas or metal awning was an  
26 important design element in the traditional storefront, providing cover and added color.  
27 Awnings served as a transition between the storefront and the upper facade.

28  
29 (i) Standard street level awnings shall be mounted so that the  
30 valance is at least 8 feet above the sidewalk elevation.

31  
32 (ii) Awnings shall be attached above the display window and  
33 below the cornice. An awning shall reinforce the frame of the storefront and shall not  
34 cover the space between the second story windowsills and the storefront cornice.

35  
36 (iii) The size, scale, and shape of awnings shall be appropriate  
37 to the specific building.

38  
39 (iv) If a flat canopy exists, it shall be dressed up with a 12- to 24-  
40 inch awning valance. Round or dome-shaped awnings must be compatible with the

1 structures on which they are to be placed, and shall be in proportion to the entryway.

2  
3 (v) Signage on an awning valance shall be approved on a case-  
4 by-case basis, taking into consideration the total number of signs per building or  
5 business establishment as provided by the County Code. Lettering shall be one-half the  
6 height of the valence.

7  
8 (vi) Free standing fabric covered structures are allowed if they  
9 meet building code.

10  
11 **(20) Exterior Paint.**

12  
13 (i) Neon and fluorescent colors shall not be used on any  
14 structure in the CHCRA.

15  
16 (ii) The use of black paint shall be limited to trim.

17  
18 **(21) Building Environment.**

19  
20 (i) Features such as gardens, walkways, streets, alleys, plants,  
21 trees, fencing, and building setbacks which have traditionally linked buildings to their  
22 environment and which reflect the property's development shall be utilized and, in the  
23 case of existing structures, retained.

24  
25 (ii) For walkways in residential areas, brick or paver type  
26 treatment shall be used whenever possible.

27  
28 (iii) Traditional lawn and garden arrangements, with emphasis  
29 given to regional flora, shall be utilized whenever possible.

30  
31 (iv) Concrete or gravel lawns, and permanent aboveground or  
32 in-ground swimming pools or hot tubs are prohibited in front yards. At least 25 percent  
33 of a front yard shall be landscaped, and shall not be covered by brick, concrete, or  
34 gravel.

35  
36 (v) Widening of existing streets, changing the paving materials,  
37 and introducing new streets and new parking lots shall be done in a manner which is  
38 compatible with the character of the neighborhood and maintains the relationship of the  
39 buildings to the environment.

1                   **(22) Gazebos, Sheds, and other Outbuildings.**

2  
3                   (i)       The design of any gazebo, shed, or other outbuilding greater  
4 than 100 square feet in area shall be complementary in terms of design, scale,  
5 proportion, color, finish, and details to the main building.

6  
7                   (ii)       Sheds of less than 100 square feet in area shall be limited to  
8 two on any one residential parcel.

9  
10                  (iii)       Siting on the lot shall determine the allowable location and  
11 dimensions.

12  
13                  (iv)       Temporary outside storage units shall be allowed to remain  
14 on a property for no longer than 30 days in a calendar year unless the Zoning Official  
15 authorizes a greater period of time.

16  
17                   **(23) Lattice Infill.**

18  
19                  (i)       The space between the floor of the house and the ground  
20 may be screened with lattice between supports of the house.

21  
22                  (ii)       Only one type of infill shall be used for each house. Lattice  
23 infill may be wood or recycled plastic. If wood, the lattice shall be a minimum of ¼ inch  
24 and pressure-treated. Posts on which the lattice is to be mounted shall be set on four  
25 foot centers.

26  
27                   **(24) Storefronts.** Because storefronts play a critical role in a store's  
28 advertising strategy to draw customers, they are often altered to meet the needs of a  
29 new business. Care shall be taken when working on storefronts so that the building's  
30 character is preserved in the process of rehabilitation.

31  
32                  (i)       Storefronts and their functional and decorative elements that  
33 are important in defining the character of the building, such as display windows, doors,  
34 transoms, corner posts, entablatures, cornices, signs, and bulkheads shall be retained  
35 and preserved.

36  
37                  (ii)       Fluorescent lighting shall be baffled so that lamps are not  
38 visible from the public right-of-way. Where neon tubing is visible from the street and  
39 used to outline building facades or window/door openings, it shall be limited to signage  
40 and not extended to bands.

1  
2 (iii) The remodeling of storefronts shall be done in Period style  
3 and materials. Repairs to storefronts and their features shall maintain the existing  
4 character of the structure.

5  
6 (iv) Only appropriately scaled signs and logos that do not  
7 obscure, damage, or destroy a building's existing features shall be used.

8  
9 (v) The use of chaser lights is prohibited.

10  
11 **(25) Air Conditioning Units.**

12  
13 (i) Air conditioning units shall be installed in such a manner that  
14 Period material and features of a building are not damaged or obscured.

15  
16 (ii) Through-the-wall air conditioning units or window units shall  
17 not be installed in the front facade of a building.

18  
19 (iii) Air conditioning units shall be placed in new openings that  
20 align with the existing window frame. Molding shall be utilized as a trim element.

21  
22 (iv) Air conditioning units shall be concealed by landscaping or  
23 otherwise screened from view and shall not be placed in the front of a lot.

24  
25 **(26) Garbage and Trash**

26  
27 (i) When not at curbside for pick up, garbage and trash units  
28 shall be placed out of the public view.

29  
30 (ii) A picket fence or other approved enclosure shall be utilized  
31 to screen areas where garbage and trash are stored prior to pick up or disposal.

32  
33 **(26) Archeological Resources.**

34  
35 (i) Significant archaeological resources affected by a project  
36 shall be protected and preserved. If such resources must be disturbed, mitigation  
37 measures shall be undertaken according to State and Federal Regulations.

38  
39 (ii) Discovered artifacts shall be promptly reported to the  
40 Charlotte County Historic Preservation Board and the appropriate State and Federal

authorities.

(iii) Excavation of utility trenches, cisterns, and foundations require notification in advance so that activities may be monitored.

**(27) Metal Carports.**

(i) Metal carports shall be utilized only on 1950/60's Mackle/GDC or other structures that were originally constructed with the structure.

**(h) Period Requirements.** Only Class I Projects and Class II Projects shall be required to comply with the Period Requirements. Class I Projects and Class II Projects are required to use a minimum of four of the features listed below when designing and constructing the building. Two exceptions to the four requirements are: 1) a project that utilizes a metal roof or veranda consistent with the Period shall only be required to use two of the features below in addition to the Period metal roof or veranda And 2) a project that utilizes both a Period metal roof and veranda will not be required to use any further features from the list below.

**(1) Veranda.** A veranda which runs the entire length of a structure's primary facade, minus any portion of the primary facade necessary for vehicular access (e.g. garages), provided the length of veranda not located along the primary facade due to vehicular use is located along one of the sides abutting the primary facade as a continuous, "wrap-around" veranda.

**(2) Metal Roof.** A metal roof of design and materials consistent with the Period.

**(3) A Widow's Walk.**

**(4) A Cupola.**

**(5) Windows.** Windows shall be either 6/6 or 2/2 windows.

**(6) Awnings/Canopies.** Placement, size, and shape must be compatible with the character of the building. They should be wide enough to cover the window or door opening and can be made of canvas or metal. Vinyl or plastic is prohibited. Fixed or retractable awnings are acceptable. They may be used on the street or upper stories as long as they are appropriate to and maintain the architectural

1 style of the façade. Awnings on commercial structures should be open sided and  
2 valances are permitted. Awnings should not cover architectural features of the building.

3  
4 **(7) Shutters.** Shutters shall be exterior, fixed louvered or panel that  
5 are sized appropriate to the window frame. Color should complement the color of the  
6 main façade. Bahama shutters are not permitted on the front, street level windows on  
7 commercial buildings. Bahama shutters can be used on the upper story.

8  
9 **(8) Decorative Treatments.** The use of decorative lattice or  
10 “gingerbread” treatments at gable peaks, building corners and other appropriate areas  
11 of the structure as illustrated in the pictures adopted as references to these standards.

12  
13 **(9) Ground Level Details.** At least two of the following elements  
14 should be included: low level decorative lighting; hanging flower baskets; planter boxes;  
15 decorative pavers leading to front door; pedestrian seating.

16  
17 **(i) Design Requirements for Class I Projects.**

18  
19 **(1) Site design and site preparation.** Improvements to property shall  
20 be undertaken with careful consideration to natural features, including but not limited to  
21 topography, drainage, and vegetation. To the greatest extent possible, natural features  
22 shall be incorporated into site design. For example, on-site stormwater ponds shall be  
23 located in those portions of the site which naturally occur at lower elevations in order to  
24 minimize the amount of fill material necessary to elevate the property in order to achieve  
25 drainage. This example also illustrates how proper site design will compliment other  
26 goals of the CHCRA including the preservation of canopy trees and the minimization of  
27 fill within No-Fill Areas.

28  
29 **(2) Compatibility.** Class I Projects shall be compatible with the  
30 character of the CHCRA in terms of size, scale, design, materials, color and texture.

31  
32 **(3) Contemporary designs.** Contemporary designs shall complement  
33 and shall not conflict with the General Requirements and Specifications, Period  
34 Requirements, and Design Requirements. The distinction between contemporary and  
35 existing designs shall be and remain evident. Factors that shall be considered in  
36 blending contemporary with existing structures include, without limitation, size,  
37 pedestrian scale, relationship of building mass to adjacent structures, relationship to  
38 existing architectural details, elements, materials, color, texture and styles in the  
39 CHCRA, and similarity of window and door proportions.

1                   **(4) Materials, Textures, and Colors.** Exterior finishes in the CHCRA  
2 are wood or block/stucco with various types and colors of roofing materials. Roofing  
3 materials shall be consistent in appearance with the Period. Class I Projects shall  
4 establish a relationship with existing structures by utilizing the finishes and roofing  
5 materials required by this Code.

6  
7                   **(5) Siting.** No Class I Project shall be placed closer to the sidewalk,  
8 street, or visible alley, than the distance that has been predetermined by existing  
9 structures. Areas that have traditionally been reserved for parks or open spaces shall  
10 remain. Requirements for building setbacks shall be established either by studying  
11 original zoning permits and plat maps, by establishing a uniform setback, or as provided  
12 by the Zoning Code.

13  
14                   **(6) Height.** The height of all Class I Projects shall not exceed the  
15 maximum height standard established for the zoning district within which the subject  
16 property is located. There shall be a complementary relationship of height between new  
17 buildings and existing adjacent structures. An attached exterior addition shall be located  
18 at the rear or on an inconspicuous side of a structure, limiting its size and scale in  
19 relationship to the building.

20  
21                   **(7) Additions.** New additions shall not destroy features that  
22 characterize the property and shall be undertaken in such a manner that if removed in  
23 the future, the essential form and integrity of the property and its environment would be  
24 unimpaired.

25  
26                   **(8) Infill Requirements.** Where lattice is used to enclose open areas  
27 underneath buildings resulting from the use of pilings, piers, and methods of achieving  
28 elevation that do not result in opacity, only one type of lattice infill may be used for an  
29 individual structure.

30  
31                   **(9) Lighting.** All street lighting, yard lighting, and, for commercial  
32 development, parking and vehicular circulation area lighting shall match the lighting  
33 standards used at the Bayshore Park and as shown on the adopted photos. Lighting  
34 shall be further designed, shielded, installed, or otherwise accomplished so as to  
35 contain all illumination within the development site. Exterior pole lighting shall not  
36 exceed 15 feet.

37  
38                   **(i) Design Requirements for Class II Projects.**

39  
40                   **(1) Site design and site preparation.** Where Class II Projects also



1 trigger the need for additional site improvements (for example, additional parking or  
2 stormwater treatment), such improvements shall be undertaken with careful  
3 consideration to natural features, including but not limited to topography, drainage, and  
4 vegetation. To the greatest extent possible, natural features shall be incorporated into  
5 site design. For example, on-site stormwater ponds shall be located in those portions of  
6 the site which naturally occur at lower elevations in order to minimize the amount of fill  
7 material necessary to elevate the property in order to achieve drainage. This example  
8 also illustrates how proper site design will compliment other goals of the CHCRA  
9 including the preservation of canopy trees and the minimization of fill within No-Fill  
10 Areas.

11  
12 **(2) Landscaping.** Parking lots and vehicular circulation areas  
13 associated with commercial redevelopment within the CHCRA shall be treated as new  
14 development and must be landscaped in accordance with Article XVIII of Chapter 3-5 of  
15 the County Code. Interior and perimeter landscaping areas are included within the  
16 scope of the preceding sentence. This Class II Design Requirement shall control and  
17 supersede any exemption afforded to existing paved parking areas from compliance  
18 with landscaping standards that are applied to new paved parking areas pursuant to  
19 Sec. 3-5-392 of the County Code.

20  
21 **(3) Compatibility.** Class II Projects shall be compatible with the  
22 character of the CHCRA in terms of size, scale, design, materials, color and texture.

23  
24 **(4) Contemporary designs.** Contemporary designs shall complement  
25 and shall not conflict with the General Requirements and Specifications, Period  
26 Requirements, and Design Requirements. The distinction between contemporary and  
27 existing designs shall be and remain evident. Factors that shall be considered in  
28 blending contemporary with existing structures include, without limitation, size,  
29 pedestrian scale, relationship of building mass to adjacent structures, relationship to  
30 existing architectural details, elements, materials, color, texture and styles in the  
31 CHCRA, and similarity of window and door proportions.

1           **(5) Siting.** No new addition shall be placed closer to the sidewalk,  
2 street, or visible alley, than the distance that has been predetermined by existing  
3 structures. Areas that have traditionally been reserved for parks or open spaces shall  
4 remain. Criteria for building setbacks shall be established either by studying original  
5 zoning permits and plat maps, by establishing a uniform setback or as provided by the  
6 Zoning Code. Additions other than additional floors shall be located at the rear or on  
7 an inconspicuous side of a structure, limiting its size and scale in relationship to the  
8 building.

9  
10           **(6) Height.** Class II Projects shall not exceed the maximum height  
11 standard established for the zoning district within which the subject property is located.  
12 There shall be a complementary relationship of height between additions that increase  
13 the height of the structures to which they are added and existing, adjacent structures.

14  
15           **(7) Additions.** New additions shall not destroy existing Period features  
16 that characterize the property and shall be undertaken in such a manner that if removed  
17 in the future, the essential form and integrity of the property and its environment would  
18 be unimpaired.

19  
20           **(8) Infill Requirements.** Where lattice is used to enclose open areas  
21 underneath buildings resulting from the use of pilings, piers, and methods of achieving  
22 elevation that do not result in opacity, only one type of lattice infill may be used for an  
23 individual structure.

24  
25           **(9) Lighting.** All exterior lighting shall be done in Period style, and  
26 shall be further designed, shielded, installed, or otherwise accomplished so as to  
27 contain all illumination within the development site. Exterior pole lighting shall not  
28 exceed 15 feet.

29  
30           **(k) Design Requirements for Class III Projects.**

31  
32           **(1) General.** Each property shall be recognized as a physical record of  
33 its time, place, and use. While most properties change over time, it is the intention of  
34 this Section that the character of properties undergoing reconstruction, rehabilitation, or  
35 to which additions are added be maintained through preservation of distinctive features,  
36 finishes, construction techniques, or examples of craftsmanship.

37  
38           **(2) Scale.** No existing structure shall be enlarged so that its  
39 proportions, particularly height, are out of scale with its surroundings. On any given  
40 block or area where a variety of sizes and styles exist, no structure shall surpass the

majority of the structures in that area. Alterations shall be made in a manner that does not alter the scale of the streetscape.

**(3) Alterations.** The alteration of existing Period features is prohibited unless the alteration is necessary to salvage the structure. Whenever possible, deteriorated Period features that characterize a property shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a Period feature, the new Period feature shall match the old Period feature in design, color, texture, and other visual qualities and, where possible, materials. Documentary, physical, or pictorial evidence shall justify and substantiate the replacement of missing Period features.

Exterior alterations and related new construction shall not destroy Period features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired. New features shall be compatible with the massing, size, scale, and architectural features of existing features in order to protect the integrity of the structure, the property and the environment.

The removal or alteration of exterior spaces (such as porches, courtyards, etc.) that characterize a property is prohibited unless the removal or alteration is necessary to salvage the property or doing so enables the incorporation of Period design elements.

The removal of Period materials is prohibited unless the Period materials are too deteriorated to repair. New Period materials shall be utilized to replace deteriorated Period materials. If new Period materials are unavailable, modern building materials and techniques that are visually equivalent to the Period materials shall be utilized.

#### **(I) Design Requirements for Class IV Projects.**

**(1) Swimming Pools.** Permanent swimming pools, spas, or Jacuzzis shall not be visible from the front of the building.

**(2) Fences and Walls.** Fences and walls are important elements of the design and character of a structure and district.

(i) The scale and character of a fence and its posts and gates shall be compatible with the house and neighboring structures.

(ii) The height of fences and walls shall be governed by the standards of the zoning district within which the fence or wall occurs or is proposed to

1 occur.

2  
3 (iii) The beginning point for six-foot fences shall be rear-ward  
4 from the point where the façade of the house joins the front porch, or a minimum of 10  
5 feet from the front property line. This Class IV Design Requirement shall not be  
6 construed to exempt applicants from having to obtain a variance as may be required by  
7 the County Code regarding setback requirements from fences and walls.

8  
9 (iv) All concrete walls shall be stuccoed and capped.

10  
11 (v) Unless approved by the Board of Zoning Appeals for another  
12 location by way of a special exception, chain-link fencing shall not be installed forward  
13 of the back wall(s) of any structure. No request for a special exception to allow chain  
14 link fencing in any other location shall be placed on the Board of Zoning Appeals'  
15 agenda until such time as the Community Development Department receives a written  
16 recommendation regarding the requested variance from the Charlotte Harbor CRA  
17 Advisory Committee.

18  
19 (vi) Reed fencing is prohibited.

20  
21 (v) Fence structures erected within the required setback area  
22 (i.e. between the property line and the setback line) are subject to the same height  
23 restrictions as fences erected on the property line.

24  
25 **(3) Vending Booths, Carts, and Other Merchandise Displays.** The  
26 use or storage of vending booths, carts, and other merchandise displays is prohibited in  
27 the front yard or side yard of any structure adjoining a public street (i.e. between the  
28 front or side facade and the public right-of-way or sidewalk), and are prohibited in public  
29 rights-of-way. Vending carts or booths shall be located only in or on the periphery of  
30 parking lots, where vending will not displace required parking, or otherwise vacant  
31 properties. Merchandise shall not be mounted or displayed on the exterior surface of  
32 the front facade. All vending machines shall be placed in kiosks or enclosures  
33 constructed in Period style and materials.

34  
35 **(m) Pictures.** The Board has adopted a series of pictures that depict  
36 structures that reflect the Period vernacular. By this reference, the pictures are made a  
37 part hereof. The pictures are available for public inspection through the County Web  
38 Site. The County reserves the right to add and remove photographs from the pictures,  
39 as the case may be, provided that a complete set of the pictures shall be made  
40 available for public inspection at the location provided above. The purpose of the

1 pictures is to present visual examples of combinations of design features that result in  
2 structures that display the Period vernacular.

3  
4 **(n) Appeals.** Any applicant seeking approval of development subject to these  
5 regulations aggrieved by the decisions of the Charlotte Harbor CRA Advisory  
6 Committee or its Architectural Review Subcommittee regarding interpretation or  
7 application of the requirements found herein may appeal such decisions to the Zoning  
8 Official who shall render a written determination regarding the disputed matter(s) which  
9 shall be considered the final resolution to the matter(s), subject to appeal as provided by  
10 Section 3-9-6 of the County Code.

11  
12 **(o) Definitions.**

13  
14 ARCH: A structural member shaped in the arc of a curve.

15 ARCHITRAVE: The lower part of a classical entablature, which rests on a column.

16 BALUSTER: A post or upright supporting a handrail, often vase-shaped, a series of  
17 which makes up a balustrade.

18 BALUSTRADE: A banister, railing, handrail or barrier.

19 BARGEBOARD: The decorative board attached to the projecting portion of a gable.

20 BRACKET: A support element under eaves, shelves, or other overhangs.

21 CHAMFER: The surface formed by cutting off a corner of a board or post; a bevel.

22 COLUMN: A vertical support generally consisting of a base, circular shaft and capital.

23 CORNICE: The horizontal molded projection at the top of a building or wall.

24 CRESTING: A light repeated ornament, incised or perforated, carried along the top of a  
25 wall or roof.

26 CUPOLA: A spherical roof or dome-roofed structure built on top of a roof.

27 DORMER: A vertical window set in a sloping roof or a roofed structure containing such  
28 a window.

29 EAVES: The projecting overhang at the lower edge of a roof.

30 ENTABLATURE: A horizontal part in a classical post and beam system composed of  
31 the cornice, frieze and architrave.

32 FACADE: The front or principal face of a building.

33 FINIAL: An ornament at the top of a spire, gable or pinnacle.

34 FRIEZE: The part of the entablature between the architrave and cornice; any  
35 sculptured or ornamented band in a building.

36 GABLE: The triangular portion of a wall between the enclosing lines of a sloping roof.

37 HIP ROOF: A roof with four uniformly pitched sides.

38 LATTICE: A structure consisting of strips of metal or wood, crossed or interlaced to  
39 form regularly spaced openings.

40 LINTEL: A beam of any material used to span an opening (also known as an

architrave).

LOUVRE: A series of inclined slats in a vertical frame allowing ventilation without admitting rain.

MOULDING: A continuous decorative band that is either carved into or applied to the surface.

MULLION: A vertical member that divides a window or separates one window or door from another.

MUNTIN: The wood or metal strips that divide a multi-pane window.

PARAPET: A low solid protective wall or railing along the edge of a roof or balcony.

PERIOD: The time period(s) that are distinguishable by the use of architectural pattern(s) feature(s) and design(s) that are consistent with the “old Florida” vernacular.

PEDIMENT: A wide, low-pitched gable above a portico or door.

PORCH: A covered structure or recessed space at the entrance of a building.

PORTICO: A major porch, with a pedimented roof supported by columns.

RAFTER: Part of a wooden roof frame sloping down from the ridge to the eaves and establishing the pitch.

RIDGE: The highest point of the roof, running from end to end.

SASH: A frame or window in which glass is set.

SHUTTER TIEBACKS: Hardware used to secure open shutters.

SPECIFICATIONS: The architectural patterns, features and designs that are consistent with the “old Florida” vernacular

STUCCO: A type of plasterwork, either coarse or fine, used for surfacing interior or exterior walls.

TRANSOM: A small window over a door or large window.

TURRET: A small slender tower usually set at the corner of a building, often containing a circular shaft.

**OTHER LAWS.** This Ordinance shall not be construed to imply a waiver or exemption from any existing mandates imposed by Federal and State laws and regulations and or the County Code. Without limitation, the preceding sentence shall encompass any mandates imposed by the Federal Emergency Management Agency.

**SEVERABILITY.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, portion shall be deemed a separate, distinct, and independent portion of this Ordinance and such holding shall not affect the validity of the remainder of this Ordinance.

PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By \_\_\_\_\_  
Christopher G. Constance, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Janette S. Knowlton, County Attorney